

Notice of Allowability

Application No.

10/049,502

Examiner

Maria B. Marvich, PhD

Applicant(s)

SEBTI, SAID M.

Art Unit

1633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed 1/3/06.
2. ☒ The allowed claim(s) is/are 17, 18, 23-26 and 35-39.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 1/3/06; 1/20/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

This office action is in response to an amendment filed 1/3/06.

Claims 1-16, 19-22 and 27-34 have been canceled. Claims 36-39 have been added. Claims 17, 18 and 23-12 have been amended. Claims 17, 18, 23-26 and 35-39 are pending in the application.

Information Disclosure Statement

Information Disclosure Statements filed 1/3/06 and 1/20/06 have been identified and the document considered. The signed and initialed PTO Form 1449s has been mailed with this action.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Glenn Ladwig on March 15, 2006.

The claims have been amended as follows:

In claim 17, line 2, the phrase "a tumor cell" prior to the phrase "in a mammal" has been deleted and replaced with the phrase --tumor cells--.

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In claim 17, line 2, the word “introducing” prior to the phrase “an effective amount” has been deleted and replaced with the phrase --directly administering --.

In claim 17, line 3, the word -- a -- has been inserted prior to the phrase “wild-type RhoB”.

In claim 17, line 4, the phrase “cells associated with the tumor” prior to the phrase “, wherein the nucleic acid” has been deleted and replaced with the phrase -- the tumor cells--.

In claim 17, line 5, the word -- tumor-- has been inserted following the phrase “in the”.

In claim 18, line 2, the phrase “within a viral vector” has been deleted following the phrase “into the cell” and the phrase -- within a viral vector-- has been inserted prior to the phrase “into the cells”.

Claim 26, line 1, the word -- tumor -- has been inserted following the phrase “wherein the”.

Claim 35, line 1, the word -- tumor -- has been inserted following the phrase “wherein the”.

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Claim 37, line 1, the word -- tumor -- has been inserted following the phrase “wherein the”.

Claim 38, line 1, the word -- tumor -- has been inserted following the phrase “wherein the”.

Conclusion

Claims 17, 18, 23-26 and 35-39 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria B. Marvich, PhD whose telephone number is (571)-272-0774. The examiner can normally be reached on M-F (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, David Nguyen, PhD can be reached on (571)-272-0731. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Maria B Marvich, PhD

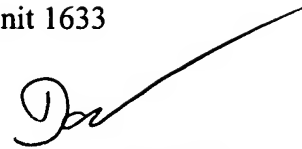
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A handwritten signature in black ink, appearing to read 'Dave', with a long, sweeping horizontal line extending to the right.

DAVE TRONG NGUYEN
SUPERVISORY PATENT EXAMINER